



3055

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
Nicola Antonio DeMarco

against  
The City of New York;  
Department of Education  
of the City of New York et al.  
X

Request  
~~ORDER TO SHOW CAUSE~~ FOR  
PRELIMINARY INJUNCTION AND  
TEMPORARY RESTRAINING ORDER

CV \_\_\_\_\_ ( )  
IRIZARRY, J. BLOOM, M.J.

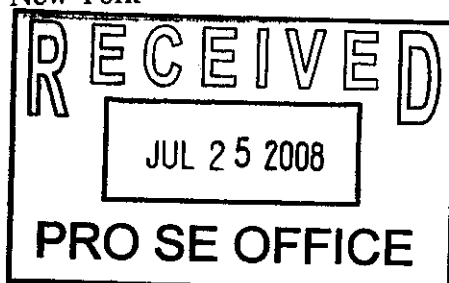
Upon the affidavit of Nicola Antonio DeMarco sworn to the 25 day of July, 2008, and upon the copy of complaint hereto annexed, it is ORDERED, that the above named defendant(s) show cause before a motion term of this Court, at room \_\_\_\_\_, United States Court House, Cadman Plaza East in Kings County and State of New York on \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 FRCP enjoining the defendant(s) during the pendency of this action from proceeding with disciplinary action against plaintiff under Section 3020a of the New York State Education

Law including hearings scheduled to begin before a  
Single arbitrator on August 19, 2008; and it is further ORDERED, that sufficient reason having been shown, therefore, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65 FRCP the defendant(s) are temporarily restrained and enjoined from

\_\_\_\_\_  
\_\_\_\_\_  
and is further ORDERED, that security in the amount of \$ \_\_\_\_\_ be posted by the plaintiff(s) and it is further ORDERED, that personal service of a copy of this order and annexed affidavit upon the defendant(s) or his counsel on or before \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, \_\_\_\_\_, 20\_\_\_\_ shall be deemed good and sufficient service thereof.

DATED:  
Brooklyn, New York

\_\_\_\_\_  
United States District Judge



UNITED STATES DISTRICT COURT  
~~SOUTHERN~~ DISTRICT OF NEW YORK  
EASTERN

AN

Nicola Antonio DeMarco

X

Plaintiff,

-against-

The City of New York;  
The City of New York Department  
Of Education;

AFFIDAVIT/AFFIRMATION

New York City Mayor Michael Bloomberg;  
New York City School's Chancellor Joel Klein;  
Renee David; Theresa Europe; Philip Composito;  
Nancy Ryan; Michael Best; Michael Cardozo;  
New York City Deputy Mayor Dennis Walcott;  
New York State Governor David Paterson;  
Eleanor Elovich Glanstein  
Defendants.

X

Nicola Antonio DeMarco, being duly sworn, makes the following affirmation under the penalties of perjury:

I Nicola Antonio DeMarco, as plaintiff in the above-entitled action, respectfully move this court to order defendants to show cause why they should not be enjoined from proceeding with disciplinary action against plaintiff under Section 3020a of the New York State Education Law including hearings scheduled to begin before a single arbitrator on August 19, 2008 until a final disposition on the merits in the above-entitled action.

Unless this order is issued, I will suffer immediate and irreparable injury, loss and damage in that I cannot complete the adoption of my child. As can be seen from the foregoing, I have no adequate remedy at law.


WHEREFORE, I respectfully request that the Court grant the within relief as well as such other and further relief that may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 25, 2008

*Nicola Antonio DeMarco*

Sworn to before me this 25<sup>th</sup> day of July 2008

  
Notary Public

KAMAL P. SONI  
Notary Public, State of New York  
No. 01SO6089949  
Qualified in Kings County  
Commission Expires March 31, 2011